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March 3, 2015

DELIVERED VIA US MAIL AND EMAIL

Ms. Barbara Evoy
Deputy Director
Division of Water Rights
State Water Resources Control Board
1001 "I" Street
Sacramento, California 95814

Re: Order WR 2015-0002-DWR

Dear Barbara,

The Patterson Irrigation District ("District") is in receipt of the above order issued by the Division of Water Rights ("Division") requiring additional information from diverters on the Sacramento and San Joaquin River Watershed and Delta. The Order purports to be issued pursuant to California Code of Regulations, Title 23, Section 879, subdivision (c). As stated in the regulation, this section provides:

Upon receipt of a complaint alleging interference with a water right by a riparian or pre- 1914 appropriative water right holder or upon receipt of information that indicates unlawful diversions of stored water by riparians or pre-1914 appropriative water right holders, the Deputy Director may issue an order under this article requiring such water right holders to provide additional information regarding the property patent date, the date of initial appropriation, and diversions made or anticipated during the current drought year. Any water right holder receiving an order under this subdivision shall provide the requested information within five (5) days.

We note that the regulation requires "receipt of information that indicates unlawful diversion of stored water by riparians or pre-1914 appropriative water right holders." The Order states that on July 23, 2014 DWR and Reclamation alleged that south and central Delta riparian and pre-1914 diversions were illegally diverting water stored and released by the State Water Project and the Central Valley Project. Apparently it is this letter that the Division has determined to be "information that indicates unlawful diversions of stored water" is taking place. This letter clearly does not rise to the level contemplated by the regulation. It provides no "information" at all other than a complaint that it is stored water is being diverted, without any explanation as to who is diverting it or how much is being diverted.

Even assuming, however, that the letter supports the Division's Order, the regulation authorizes the State Board to require additional information only from those riparian and pre-1914 appropriative water right holders that are unlawfully diverting stored water. Patterson Irrigation District is located on the San Joaquin River. There is no physical way that the District can divert stored water released by the Central Valley or State Water Project. Consequently, the District is not subject to the regulation, not subject to the requirements of Order WR 2015-0002-DWR, and the order should be revised to clarify its scope.

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The District has stressed to the Division, however, that it is essential that they meet with diverters in order to obtain information on water diverted in 2014, and estimated water diversions in 2015. For this reason the District intends to provide the Division with most, if not all, of the information requested in the Order. It is essential to note, however, that this information will be provided on a voluntary basis, and will not be provided pursuant to the Order. The authority of the State Water Resources Control Board over pre-1914 appropriative and riparian water right holders is very limited. The District will resist all efforts of the State Water Board to unlawfully expand that authority. We look forward to working with you on a voluntary basis in 2015.

VERY TRULY YOURS,

PATTERSON IRRIGATION DISTRICT

A handwritten signature in blue ink, reading "Peter M. Rietkerk". The signature is fluid and cursive, with the first name "Peter" and last name "Rietkerk" clearly legible.

Peter M. Rietkerk
General Manager